

rejections under 35 U.S.C. § 112, and to include all of the limitations of their base claims and any intervening claims.

Initially, applicants gratefully acknowledge the indication of the allowable subject matter in Claims 3-6.

With respect to that indicated allowable subject matter, the present response sets forth new Claims 7-9 for examination. New Claims 7-9 correspond to Claims 3-5, rewritten in independent form, and thereby Claims 7-9 are believed to be allowable as they recite subject matter indicated as allowable in the outstanding Office Action. New Claims 7-9 include clarification to the language in the original claims in view of the below-discussed rejection under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of Claims 1-6 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Claim 1 is amended by the present response to clarify the recitation at line 4. Claim 1 now specifically recites “a capsule configured to retain the dental restoration material including a mixing compartment and an air-permeable filter...”. That language is believed to address the rejection under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of Claim 1 under 35 U.S.C. § 102(b) as anticipated by Randklev, and the further rejection of Claim 2 further in view of applicants’ admitted art, those rejections are traversed by the present response.

Claim 1 is amended by the present response to further recite “a plunger disposed within a capsule and configured to extrude the dental restoration material”. That feature was previously recited in dependent Claim 6. According to such a feature in Claim 1, and with reference to Figure 2 in the present specification as a non-limiting example, the claimed capsule includes a plunger 3 that extrudes a dental restoration material. Such a feature is believed to be neither taught nor suggested by Randklev or the admitted art. More

specifically, Randklev does not disclose in the figures that a plunger is disposed within a capsule to extrude a dental restoration material. The admitted art also fails to teach or suggest such a feature.

Thereby, amended independent Claim 1, and Claims 2-6 dependent therefrom, are believed to distinguish over the teachings in the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record



22850

(703) 413-3000
Fax #: (703) 413-2220
GJM/SNS/law

I:\ATTY\SNS\20'S\208267\RESP.DOC

Marked-Up Copy
Serial No: 09/852,210
Amendment Filed on: 06/11/03

IN THE CLAIMS

Please amend Claims 1 and 6 to read as follows.

1. (Three Times Amended) A mixer and a capsule in combination for a dental restoration material for mixing a powder component and a liquid component of the dental restoration material by shaking, comprising:

[a mixing compartment of] a capsule configured to retain the dental restoration material and [having] including a mixing compartment and an air-permeable filter configured to ventilate air within the mixing compartment to an outside of the mixing compartment, placed as an outer wall constituting at least a part of a peripheral wall of the mixing compartment; [and]

a capsule holding chamber configured to hold the capsule in a portion other than a portion corresponding to the air-permeable filter, the capsule holding chamber being connected to a vacuum device; and

a plunger disposed within the capsule and configured to extrude the dental restoration material.

6. (Twice Amended) The mixer and a capsule in combination for dental restoration material as claimed in claim 1, further comprising:

[a plunger disposed within the capsule and configured to extrude the dental restoration material; and]

an aperture window formed on the plunger, said air-permeable filter being disposed in
the aperture window.

Claims 7-9. (New).